



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,718	03/04/2002	Martin Hurich	10191/2275	4797
26646 7590 05/10/2007 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER CERVETTI, DAVID GARCIA	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 05/10/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/090,718

Applicant(s)

HURICH, MARTIN

Examiner

David G. Cervetti

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's arguments filed February 26, 2007, have been fully considered but they are not persuasive.
2. Claims 1-19 are pending and have been examined.

### ***Response to Amendment***

3. The objection to claim 1 is withdrawn.
4. The rejection of claim 1 under 35 U.S.C. 112, second paragraph, is withdrawn.
5. Regarding Applicant's arguments that Wasilewski does not anticipate the claimed invention because it uses DES, Examiner respectfully submits and points Applicant's attention to the fact that Wasilewski expressly teaches hashing the input (which produces an output which corresponds to "no allocation between input and output data occurs") and then encrypts this under DES (**col. 6, lines 44-55**), preferably, not exclusively. Information is hashed, which is not byte-wise, then encrypted, which allegedly produces byte-wise allocated output, but this is allegedly byte-wise to the already processed data (not to the original input data). The input data according to Wasilewski is some information, and the output data is the information hashed and the hashed data encrypted under DES, if the output of the hash is not byte-wise, then the output of DES cannot be byte-wise to the original input data. **Applicant's arguments are not persuasive.**

### ***Claim Rejections - 35 USC § 102***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**7. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Wasilewski et al. (US Patent 6,157,719, hereinafter Wasilewski).**

**Regarding claims 1, 7, 11, 13, 15, and 16, Wasilewski teaches a method of data encryption in programming of a control unit comprising:**

- **encrypting a complete stream of data to be transmitted in a programming unit using a first key, wherein a byte by byte encryption of the complete stream of data is capable of being performed, and wherein no byte-wise allocation between input and output data occurs (col. 6, lines 16-55);**
- **transmitting the data that had been encrypted to the control unit via a data line (col. 6, lines 56-67, col. 7, lines 1-25); and**
- **decrypting the data that had been encrypted in the programming unit using a second key provided in the control unit (col. 7, lines 25-67).**

**Regarding claims 2 and 8, Wasilewski teaches wherein the first key and the second key are identical (col. 6, lines 16-55).**

**Regarding claims 3 and 9, Wasilewski teaches wherein the first key and the second key are not identical (col. 6, lines 16-55).**

**Regarding claim 4, Wasilewski teaches wherein each one of the first key and the second key includes a table that is accessed by a hash function (col. 8, lines 1-63).**

**Regarding claim 5, Wasilewski teaches wherein at least one of the first key and the second key is implemented in an electronic circuit (col. 8, lines 1-63).**

**Regarding claim 6, Wasilewski teaches wherein at least one of the first key and the second key is implemented in the form of a computer program (col. 8, lines 1-63).**

**Regarding claim 10**, Wasilewski teaches wherein the programming unit and the control unit each includes an electronic computing unit and a memory module that are linked together by a data bus (**fig. 2A, cols. 6-7**).

**Regarding claim 12**, Wasilewski teaches wherein the computing unit includes an electronic computing unit in a programming unit (**fig. 2A, cols. 6-7**).

**Regarding claim 14**, Wasilewski teaches wherein the computing unit includes an electronic computing unit in a control unit (**fig. 2A, cols. 6-7**).

**Regarding claims 17-19**, Wasilewski teaches wherein there is no bit-wise allocation between input and output data (**col. 7, lines 25-67, col. 8, lines 1-40, hash-function, encrypted**).

#### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2136


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571)272-5861. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DGC

NASSER MOAZZAMI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

  
5,8107